

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33317 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- MUSAHARI District- Muzaffarpur

1. Rakesh Manjhi SON OF BHUIL MANJHI VILLAGE-Mushahari @
RADHA NAGAR, P.S.- MUSHAHARI, DIST- MUZAFFARPUR
2. ROHIT KUMAR SON OF KRISHNA MANJHI VILLAGE-Mushahari @
RADHA NAGAR, P.S.- MUSHAHARI, DIST- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 57828 of 2024

Arising Out of PS. Case No.-274 Year-2023 Thana- MUSAHARI District- Muzaffarpur

Mukesh Manjhi Son of Bhuil Manjhi R/O Vill.- Mushahari Radha Nagar,
P.S.- Mushahari, Dist.- Muzaffarpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 33317 of 2024)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Binod Kumar, APP

(In CRIMINAL MISCELLANEOUS No. 57828 of 2024)

For the Petitioner/s : Mr. Alok Kumar Alok, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-08-2024

1. Heard learned counsel for the parties.

2. The petitioners have preferred this application for
grant of anticipatory bail apprehending their arrest in connection
with Musahari P.S. Case no. 274 of 2023 registered under
sections 302, 201 and 34 of the Indian Penal Code.



3. As per the prosecution case, the informant states that the accused persons including the petitioners herein entered into an altercation with the informant's father, abused him and went away giving threats. Subsequently his father on having gone out for some work disappeared. Later, his dead body was recovered in the agricultural field. The informant states that he is convinced that the accused persons including the petitioners have a hand in the occurrence.

4. Learned counsel for the petitioners submits that the petitioners have been falsely implicated in the case only on the basis of an unfounded suspicion that some altercation had taken place between the deceased and the accused. There is no eyewitness to the alleged occurrence. The prosecution is mainly relying on the threat given by the accused together with the confession of co-accused Arvind Manjhi who has himself subsequently been enlarged, though on regular bail vide order dated 26.7.2024 passed in Cr. Misc. no. 31130 of 2024. The petitioners have no criminal antecedent and undertake to cooperate in the trial.

5. Though the application for anticipatory bail is opposed by learned A.P.P. for the State submitting that the case is distinguishable from that of co-accused Arvind Manjhi and so



far as the present application is concerned, the same is for anticipatory bail, however it is not in dispute that there is no eyewitness to the occurrence.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioners in the F.I.R., the material that has transpired in course of investigation, the prosecution relying on the confessional statement of Arvind Manjhi who has himself been enlarged on bail vide the aforesaid order dated 26.7.2024 and the petitioners not having any criminal antecedent, it is directed that all the petitioners, above named, in the event of their arrest or surrender before the learned Court below within a period of four weeks, be released on anticipatory bail in connection with Musahari P.S. Case no. 274 of 2023 on each of them furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Court no.12, Muzaffarpur (East), District- Muzaffarpur.

(Partha Sarthy, J)

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